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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,918	11/12/2002	Erwin Joost Bolwidt	DVME-1024US	1270

7590 06/13/2005

EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

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Eight Penn Center
1628 John F Kennedy Boulevard
Philadelphia, PA 19103

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,918	BOLWIDT, ERWIN JOOST	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4/4/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1> Due to the amount of preliminary amendments to the original claims, Examiner called Attorney Kevin Dunleavy with a request for a complete listing of the amended claims to aid in the examination and insure that the proper claims would be examined. Therefore, this action is based on the examination of the list of claims faxed to Examiner by Mr. Dunleavy on 6.1.2005.

2> Claims 1-26 are presented for examination. This action is in a non-final rejection.

Information Disclosure Statement

3> The IDS submitted on 4.4.2004 has been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4> Claims 5, 6, 7, 9, 13, 14, 15, 17, 18, 19, 23, 24, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 5, 13, 14, 15 are rejected because of lack of proper antecedent basis:

i. "the length";

ii. "the given name";

iii. "the result of the hash function".

b. Claims 6, 7, 16, 17, 18, 19 are rejected because of lack or proper antecedent basis:

iv. "the result of the hash function";

v. "the result obtained by carrying out the same cryptographic hash function";

vi. "the data file".

c. Claim 7 is further rejected for being a duplicate to a claim on which it is dependent [claim 6].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5> Claims 1 are rejected under 35 U.S.C § 103(a) as being unpatentable by White et al, U.S Patent No. 6.016.393 ["White"], in view of Official Notice.

6> As to claim 1, White discloses a method for transferring a software module from a sender to a receiver in a computer system or network [column 8 «lines 7-14 and 19-40» where : White's agent process is analogous to a software module], wherein the software module comprises at least one object and at least one class, the object being an instance of the

class(es) [column 10 «lines 1-9»], wherein each class or group of classes is provided with a class identifier [column 10 «lines 44-56» : "digest" is analogous to an identifier], wherein in both the sender and receiver comprises a database of classes and groups of classes with corresponding class identifiers [column 10 «lines 44-56» | column 54 «lines 1-10»], wherein the sender transmits the class identifier of a software module to be transferred to the receiver and the receiver checks its database for presence of the received class identifier [column 25 «lines 13-32» | column 54 «lines 1-37»], and wherein the sender transfers only the object of the software module or both the object and the class or group of classes depending on the presence or absence of the class or group of classes at the receiver [column 10 «line 44» to column 11 «line 3» | column 24 «line 48» to column 25 «line 12»].

White does not explicitly disclose the receiver transmits a message "present" or "absent" to the sender. However, White does disclose checking to see if the receiver has the object in its database, if the object is not there, then the object is sent from the sender to the receiver [column 10 «lines 57-59» | column 25 «lines 29-33»]. Therefore, a mechanism of some sort is inherent in White's design to signal to the sender to send (or not to send) the necessary object when it is not located in the receiver's database. Official Notice is taken then one of ordinary skill in the art would have implemented a message mechanism in the receiver to signal to the sender whether or not the object is required; such a mechanism would enable White's stated functionality. Additionally, the use of messages to communicate between computers is ubiquitous and expected in the art.

7> As to claim 2, White discloses the method according to claim 1, wherein the sender transmits first all objects and the class identifier to the receiver, wherein the sender transmits the class or group of classes to the receiver if the message "absent" is received [column 10 «lines 57-59» | column 52 «lines 24-64»]. As mentioned previously, White does not explicitly disclose the use of message "absent", the use of messages is well known in the art. One of ordinary skill in the art would have implemented the messaging functionality to signal between computers when objects and classes were needed by the receiving computer [column 25 «lines 29-33»].

8> As to claim 3, White discloses the method of claim 1, wherein the receiver obtains the software module to be transferred by combining the object received within the class or group of classes retrieved from its database or received [column 54 «line 58» to column 55 «line 33» where : the agent is "reconstituted" at the second (receiving) computer], wherein the receiver transmits a message depending on whether or not the receiver succeeds in combining the object and class or group of classes [column 37 «lines 21-46»]. White does not explicitly disclose the message of "transfer succeeded" or "transfer not succeeded", but these messages are merely design choice and do not provide patentable distinction over White's use of failure or non-failure messages.

9> As to claim 4, White discloses the method of claim 1 wherein the receiver stores each class and group of classes with the corresponding class identifier received in its database for later use [column 54 «lines 1-37»].

10> As to claim 5, White discloses the method of claim 1, wherein a sender further combines the length of the data file of the class or group of classes with the given name and the result of the hash function to provide the class identifier [column 52 «lines 11-23»].

11> As to claim 8, White discloses the method of claim 1, wherein senders and receivers are computers in a computer network [column 7 «lines 49-53» | column 7 «line 61» to column 8 «line 6» | claim 3].

12> As to claim 9, White discloses the method of any of the preceding claims wherein senders and receivers are computers in a computer network, such as the Internet [column 7 «lines 49-53» | column 7 «line 61» to column 8 «line 6» | claim 3].

13> As to claim 10, as it does not teach or further define over the already claimed limitations, claims 10 is similarly rejected for the same reasons set forth claim 3, supra.

14> As to claims 11 and 12, as they do not teach or further define over the claimed limitations, claims 11 and 12 are similarly rejected for the same reasons set forth for claim 4, supra.

15> As to claims 13-15, as they do not teach or further define over the claimed limitations, claims 13-15 are similarly rejected for the same reasons set forth for claim 5, supra.

16> As to claims 20-23, as they do not teach or further define over the claimed limitations, claims 20-23 are similarly rejected for the same reasons set forth for claim 8, supra.

17> As to claim 26, White discloses the method of claim 8 wherein the computer network is the Internet [column 7 «lines 30-31» | column 10 «lines 57-66» : "network communications media"].

18> Claims 6, 7, 9, 16-19, 24 and 25 are rejected under 35 U.S.C § 103(a) as being unpatentable over White and Official Notice, in further view of IBM Technical Disclosure Bulletin, "Object Location Algorithm" ["IBM bulletin"].

19> The IBM bulletin was disclosed by Applicant in IDS, 4.4.2002.

20> As to claim 6, White discloses comparing digests of objects but does not explicitly disclose a receiver checking a class or group of classes received from a sender by comparing the result of the hash function of the received class identifier with the result obtained by carrying out the same cryptographic has function on the data file of the class or group of classes received.

21> According to the IBM bulletin, one method of locating objects in an object-oriented database is to use a hashing function on class identifiers. The IBM bulletin discloses a

receiver checking a class or group of classes received from a sender by comparing the result of the hash function of the received class identifier with the result obtained by carrying out the same cryptographic has function on the data file of the class or group of classes received [page 257-258]. It would have been obvious to one of ordinary skill in the art to incorporate the IBM bulletin's hashing functionality into White's system of checking received classes. One would have been particularly motivated to implement the hashing algorithm into White to enable White's verification of the received classes and digests to insure that the proper files are being transmitted.

22› As to claims 7 and 16-19, as they do not teach or further define over the claimed limitations, they are similarly rejected for the same reasons set forth for claim 6, supra.

23› As to claim 9, White discloses the method of any of the preceding claims wherein senders and receivers are computers in a computer network, such as the Internet [column 7 «lines 49-53» | column 7 «line 61» to column 8 «line 6» | claim 3].

24› As to claims 24 and 25, as they do not teach or further define over the claimed limitations, claims 24 and 25 are similarly rejected for the same reasons set forth for claim 8, supra.

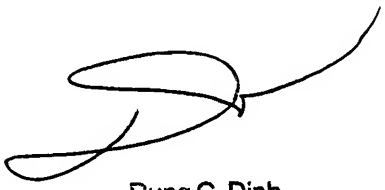
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



Dung C. Dinh
Primary Examiner